

REMARKS

As a preliminary matter, the Examiner is thanked for the courtesies extended to the undersigned in a series of voice mail messages. On September 28, 2007, the undersigned informed the Examiner of the existence of substantially similar co-pending U.S. Appln. No. 10/521,501, in which an Official Action had been issued on August 21, 2007, by Examiner James W. Cranson, Jr., of Group Art Unit 2875. The undersigned informed the Examiner of the forthcoming Supplemental IDS (transmitted under separate cover) reporting U.S. Appln. No. 10/521,501, the Official Action, and the references cited therein. On October 12, 2007, it was communicated to the undersigned that the Examiner would review the prosecution history of U.S. Appln. No. 10/521,501 in conjunction with the instant response to the Official Action issued in the present application on September 13, 2007. The receipt of the Examiner's message by the undersigned was confirmed on the same day.

In a second preliminary matter, the withdrawal of the rejection under 35 U.S.C. § 102 citing Kitahora is acknowledged with gratitude.

Turning now to substantive issues, the Official Action issued on September 13, 2007, has rejected claims 1 to 7 and 9 to 12 under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,876,143, issued to Daniels (hereinafter "Daniels") and has also rejected claim 8 under 35 U.S.C. § 103 as obvious over Daniels in view of U.S. Patent No. 6,198,091, issued to Forrest et al. (hereinafter "Forrest"). These are the sole substantive reasons set forth in the Official Action why the present application should not be allowed. Applicants respectfully traverse these rejections for the reasons set forth below.

It is well established that the effective filing date of an application that claims priority to one or more provisional applications is the filing date of the provisional application that first describes the claimed invention in accord with the requirements of 35 U.S.C. § 112, first paragraph. See, e.g., the M.P.E.P. at §706.02(VI). Applicants respectfully submit that the invention of claim 1 is, in fact, described and enabled in U.S. Provisional Appln. No. 60/401,257 (hereinafter "the '257 application"), filed on August 6, 2002.

In particular, Applicants point to the '257 application on page 4 at lines 5 to 35, and more specifically to the excerpts of the '257 application that are set forth in the following table. In this connection, Applicants note that both the "substrate" and the optional "additional layers" of the '257 application appear to correspond to the transparent polymer layers of the present claim.

Elements of Claim 1	Excerpts of '257 Application
Laminated polymer	Page 4 at lines 18 to 19 ("individual layers"); page 4 at lines 12 to 13 ("In addition, any of the above layers can be made of two or more layers.").
At least three adjacent layers of transparent polymer	Page 4 at lines 5 to 15 ("there can be additional layers ... to function as protective layers"; "The choice of materials ... is ... determined by ... providing an illumination device with high device efficiency.")
Flexible and can be adapted to various shapes and forms	Page 2 at lines 19 to 20; page 4 at lines 29 to 31.
Each pair of adjacent layers is separated by a transparent solid non-glass interlayer or an air cavity	Page 2, lines 12 to 20 ("organic active emission layer sandwiched between two electrical contact layers"; "substrate ... which can be adjacent to anode or cathode"; substrate may be organic); paragraph bridging pages 3 and 4 ("other layers ... protective layer"); page 4 at lines 12 to 13 ("In addition, any of the above layers can be made of two or more layers.").
Transparent non-glass interlayer or air cavity contains a device comprising at least one element selected from the group consisting of solid state lighting [...]	Citations above, and additional references throughout the specification, including page 2 ("illumination device comprising ... organic active emission layer ... comprised of an organic light-emitting diode").

Therefore, contrary to the assertion in the Official Action (page 2), the effective filing date of claim 1 is, in fact, August 6, 2002, the filing date of the '257 application. Daniels, however, claims priority to U.S. Provisional Appln. No. 60/427,333, which was filed on November 19, 2002, subsequently to the earliest priority date of the present application. Consequently, Applicants respectfully submit that Daniels is improperly cited as prior art in the present application.

For these reasons, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102 be withdrawn upon reconsideration.

In addition, claims 2 through 7 and 9 through 12 depend, directly or indirectly, from independent claim 1. It follows by statute that these claims are also not anticipated, for at least the same reasons set forth above with respect to independent claim 1. Accordingly, Applicants further respectfully request that the rejection of claims 2 through 7 and 9 through 12 under 35 U.S.C. § 102 be withdrawn upon reconsideration.

Finally, because Daniels is improperly cited as prior art in the present application for the reasons set forth in detail above, it is also respectfully requested that the rejection of claim 8 under 35 U.S.C. § 103 citing Daniels in view of Forrest be withdrawn upon reconsideration.

Conclusion

A Petition for an Extension of Time for three months and the required fee for the extension are filed concurrently herewith. Should any further fee be required in connection with the present response, the Examiner is authorized to charge such fee, or render any credit, to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

In view of the above remarks, it is believed that pending claims 1 to 12 are in condition for allowance, and such action is earnestly solicited. In closing, the Examiner is invited to contact the undersigned attorney by telephone at (302) 892-1004 to conduct any business that may advance the prosecution of the present application.

Respectfully submitted,



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